

TIMOTHY R. TITOLO, ESQ.  
Nevada Bar No. 3617  
TITOLO LAW OFFICE  
9950 West Cheyenne Avenue  
Las Vegas, Nevada 89129  
Phone: (702) 869-5100  
Email: [tim@titololaw.com](mailto:tim@titololaw.com)  
*Attorney for Plaintiffs PETER DELVECCHIA & A.D., A MINOR*

CHARLES A. MICHALEK, ESQ.  
Nevada Bar No. 5721  
ROGERS, MASTRANGELO, CARVALHO & MITCHELL  
700 South Third Street  
Las Vegas, Nevada 89101  
Phone: (702) 383-3400  
Email: cmichalek@rmcmillaw.com  
*Attorney for Defendant FRONTIER AIRLINES, INC.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**JOINT MOTION FOR ENTRY OF PARTIES' AGREED PROTECTIVE ORDER**

Plaintiffs PETER DELVECCHIA, individually and as next friend of A.D., a Minor (collectively “Plaintiffs”) and Defendant FRONTIER AIRLINES, INC. (“Frontier”), each by their undersigned counsel, pursuant to Fed. R. Civ. P. 26 and LR 7-1, submit the following Joint Motion for Entry of Parties’ Agreed Protective Order and state:

1. This civil action arises from an incident that occurred on March 28, 2019 onboard Frontier Flight 2067 from Raleigh, North Carolina to Las Vegas, Nevada. (ECF No. 1.) On August 1, 2019, Plaintiffs filed their six-count Complaint against Frontier and John Does 1 through 5, seeking compensatory

1 and punitive damages for an alleged violation of 42 U.S.C. § 1981 (Count I), intentional infliction of  
2 emotional distress (Count II), negligent infliction of emotional distress (Count III), false imprisonment /  
3 unlawful detention (Count IV), battery (Count V), and defamation and false light invasion of privacy  
4 (Count VI). *Id.*

5  
6 2. In the course of discovery, both parties anticipate that they will produce certain materials  
7 which they, in good faith, believe contain sensitive security information, personal health information, trade  
8 secrets, proprietary information, research, technical, commercial, or financial information, and other  
9 confidential material (including without limitation, the identity of Plaintiff A.D., a Minor).

10  
11 3. In order to allow the parties to exchange materials which contain confidential information,  
12 the parties have agreed to the terms of an Agreed Protective Order, which will allow them to designate  
13 materials, as necessary, as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER” pursuant to the  
14 terms and conditions set forth in the Agreed Protective Order. (Parties’ Agreed Protective Order attached as  
15 Exhibit A.)

16  
17 4. Nothing in the Parties’ Agreed Protective Order creates any presumption about the actual  
18 confidentiality of any material or alters the normal burden of proof necessary for obtaining a protective  
19 order from the Court. *Id.*

20  
21 5. Additionally, nothing in the Parties’ Agreed Protective Order will prevent a party from using  
22 information or documents produced by another party pursuant to such Order during mediation, arbitration,  
23 deposition, trial, or any other proceeding in this litigation. *Id.*

24  
25 6. Further, all materials filed with the Court that contain or make reference to designated  
26 confidential information shall be filed under seal in accordance with the requirements and procedures set  
27 forth in the Court’s Local Rules. *Id.*

1 WHEREFORE, Plaintiffs PETER DELVECCHIA, individually and as next friend of A.D., a Minor  
2 and Defendant FRONTIER AIRLINES, INC. respectfully request that this honorable court grant their Joint  
3 Motion for Entry of Agreed Protective Order, enter the attached Parties' Agreed Protective Order, and order  
4 any further relief this Court deems necessary and proper.  
5

6 DATED this 9th day of October, 2019

Respectfully submitted,

7 **PETER DELVECCHIA and A.D., a Minor**

**FRONTIER AIRLINES, INC.**

8 /s/ John D. McKay

9  
10 John D. McKay (admitted *pro hac vice*)  
PARK AVENUE LAW LLC  
11 127 West Fairbanks Avenue, Suite 519  
Winter Park, Florida 32789  
12 Phone: (800) 391-3654  
13 Email: [johndmckayatty@gmail.com](mailto:johndmckayatty@gmail.com)

14 Timothy R. Titolo (Nevada Bar No. 3617)  
15 TITOLO LAW OFFICE  
9950 West Cheyenne Avenue  
16 Las Vegas, Nevada  
17 Phone: (702) 869-51  
18 Email: [tim@titololaw.com](mailto:tim@titololaw.com)

19  
*Attorneys for Plaintiffs*  
20 **PETER DELVECCHIA & A.D., A MINOR**

/s/ Tara Shelke

Brian T. Maye (admitted *pro hac vice*)  
Tara Shelke (admitted *pro hac vice*)  
ADLER MURPHY & McQUILLEN LLP  
20 South Clark Street, Suite 2500  
Chicago, Illinois 60603  
Email: [bmaye@amm-law.com](mailto:bmaye@amm-law.com)  
[tshelke@amm-law.com](mailto:tshelke@amm-law.com)

Charles A. Michalek (Nevada Bar No. 5721)  
ROGERS, MASTRANGELO, CARVALHO &  
MITCHELL  
700 South Third Street  
Las Vegas, Nevada 89101  
Phone: (702) 383-3400  
Email: [cmichalek@rmcmlaw.com](mailto:cmichalek@rmcmlaw.com)

*Attorneys for Defendant FRONTIER AIRLINES, INC.*

**CERTIFICATE OF SERVICE**

Pursuant to LR IC 4-1, I hereby certify that I on the 9th day of October, 2019, the foregoing **JOINT MOTION FOR ENTRY OF PARTIES' AGREED PROTECTIVE ORDER** was filed with the United States District Court for the District of Nevada using the CM/ECF System.

/s/ Tara Shelke

Brian T. Maye (admitted *pro hac vice*)  
Tara Shelke (admitted *pro hac vice*)  
ADLER MURPHY & McQUILLEN LLP  
20 South Clark Street, Suite 2500  
Chicago, Illinois 60603  
Phone: (312) 345-0700  
Email: [bmaye@amm-law.com](mailto:bmaye@amm-law.com)  
[tshelke@amm-law.com](mailto:tshelke@amm-law.com)

Charles A. Michalek (Nevada Bar No. 5721)  
ROGERS, MASTRANGELO, CARVALHO &  
MITCHEL  
700 South Third Street  
Las Vegas, Nevada 89101  
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Email: [cmichalek@rmcmillaw.com](mailto:cmichalek@rmcmillaw.com)